

EX PARTE OR LATE FILED

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July 29, 1998

Magalie Salas, Secretary
Federal Communications Commission
1919 M Street NW, Room 222.
Washington, D.C. 20554

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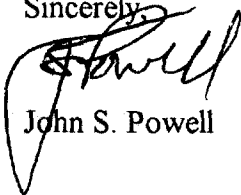
Dear Ms. Salas:

Attached is the original and nine copies of exparte comments for consideration in the matter of WT Docket 96-86, "The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010. I respectfully request that these be distributed to the Commissioners and appropriate Commission staff.

If you have any questions regarding this matter, please contact me by telephone at (510) 741-8936, by fax at (510) 741-7863, or by email at "jpowell@uclink.berkeley.edu".

Thank you for your consideration in this matter.

Sincerely,


John S. Powell

Attachment - Exparte comments in WT Docket 96-86

all copies rec'd
JUL 30 1998

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EX PARTE OR LATE FILED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of)
)
The Development of Operational, Technical, and)
Spectrum Requirements for Meeting Federal, State) WT Docket No. 96-86
and Local Public Safety Agency Communications)
Requirements Through the Year 2010)

To: The Commission

Exparte Comments of John S. Powell

As the Commission completes its decision making process on this, one of the most important public safety Dockets in recent history, there are several critical and controversial issues that must be decided: (1) the appropriateness of standards and which, if any, the Commission will support, (2) the issue of frequency coordination for the new "700 MHz Public Safety Band" and (3) the issue of regional vs. state planning.

Personal Background

I have been active in public safety communications since 1971. I received a BSEE from the University of California at Berkeley in 1973 and joined the UC Police Department that same year. Promoted to sergeant in 1977, I have served in all divisions of the department; for the past 4 years my primary assignment has been as a street supervisor in Patrol Division where I daily face the problems caused by insufficient and non-interoperable radio communications. I served as an advisor to the California Legislature's Joint Committee on Fire, Police, Emergency and Disaster Services, and

currently serve as a member of the California Law Enforcement Mutual Aid Radio System (CLEMARS) Executive Committee. I was President of the Association of Public-Safety Communications Officials – International (APCO) in 1992-93, and have been an APCO representative on the Project 25 Steering Committee since its founding in 1989. I am a member of the Communications & Technology Committee of the International Association of Chiefs of Police (IACP) and serve as IACP's technical representative to the National Public Safety Telecommunications Council (NPSTC). I am vice-chair of the Communications Subcommittee of the Law Enforcement & Corrections Technology Advisory Council to the National Institute of Justice (US Department of Justice). I am a life member of APCO, a member of the IEEE and a fellow of the Radio Club of America. I was recently named public safety's "Most Influential Person" in the category of spectrum efficiency by the Radio Resource Magazine editorial board.

Standards

Much has been presented by the various parties on this issue. In particular, most of the Comments and Reply Comments support a baseline standard for digital voice and slow speed data to ensure a minimum level of unit-to-unit interoperability.

My reason for filing these additional comments on this subject are to remind the Commission that a significant portion of this new 700 MHz band has been proposed for "high speed data" (hereafter HSD) applications employing significant bandwidth. To date, no technology exists in this arena that will allow immediate implementation of HSD applications. Indeed, most of today's data communications manufacturers have only recently become aware of these proposals through Project 34, a joint effort of the

Association of Public Safety Communications Officials, Intl. (APCO), the National Association of State Telecommunications Directors (NASTD) and agencies of the Federal government (Department of Defense, National Communications System, and the Federal Law Enforcement Wireless Users Group – FLEWUG). Project 34 is the 3rd phase of the highly successful Project 25 effort between users and industry, represented by the Telecommunications Industry Association (TIA), to develop standards for new technology digital public safety radio.

As chair of the Project 34 User Needs Subcommittee, I want to inform the Commission that Project 34 is well underway in identifying major user needs for the entire public safety community; establishing user needs is the first critical step in the standards development process. Project 34, funded by a grant from the National Institute of Justice, will be meeting with the nation's major public safety wireless data communications manufacturers during the upcoming APCO Annual Conference and Exposition in Albuquerque NM during the 2nd week of August.

One of the most important justifications for this HSD spectrum was the development of a nationwide interoperable “public safety wireless network”, in all probability something that will resemble a public safety wireless Internet. Until standards are developed by Project 34 and/or some other standards organization, it is important that this new spectrum not be assigned “willy-nilly” to any agency that submits an application. To do so would lead to the same lack of interoperability that exists with today's analog trunked systems. I urge the Commission to place extremely stringent requirements on any licensee seeking to license any of the HSD channels, requiring compliance with a plan coordinated throughout the specific geographic area with other potential users, and

predicated upon construction of an interoperable network once standards are in place.

Frequency Coordination

As mentioned in the previous paragraph, proper coordination of the 700 MHz band is critical. In fact, without proper coordination according to appropriate engineering models as recommended by most Comments filed in response to this Docket, there will be no spectrum efficiency.

The Commission has, in the past, always recognized that coordination should be accomplished by representative user groups. I would like to point out to the Commission that two of the four public safety coordinators, the American Association of State Highway and Transportation Officials (AASHTO) and the Forestry Conservation Communications Association (FCCA), while claiming to represent their constituent user groups in the (old) Forestry-Conservation and Highway Maintenance Radio Services, have limited their voting membership, and thus their associated communications policy making and regulatory recommendations, to state agencies only. This limitation effectively removes the thousands of county and local highway, park and related eligibles from representation within these organizations and stifles their “community voice” to the Commission. While each eligible could file individual comments, most rely on their respective frequency coordination group to represent their views.

This issue was considered by the Commission in the early 1980’s during the time that the service coordinators were implemented under the original exclusive coordination rules. At that time, AASHTO specifically agreed to open its membership to ensure that it would be representative of all highway maintenance users.

Clearly, APCO and the International Municipal Signaling Association/International Association of Fire Chiefs (IMSA/IAFC) are representative of their constituents. However, only APCO represents, and allows voting membership, to any public safety member from any of the public safety services.

Last, as the Commission considers this critical question, I would like to reiterate that only APCO has the financial base to operate the required “coordination clearing house” that it proposed in its Comments and is the only organization to offer such an option to the Commission. This common data base will be critical to effective coordination. Without it, the Commission will ultimately find itself resolving any number of coordination disputes in this new spectrum.

Regional Planning

The Commission has been presented with two options for planning: “Regional Planning” and “State Planning”.

Before proceeding further, it is important to point out to the Commission that two of the key signatories to the “Joint Comments” that proposed the “state planning” concept are AASHTO and FCCA. As mentioned in the prior section, both of these organizations in fact have their regulatory positions established by a membership that *is limited to state agencies only!* I therefore must question the underlying reasons for wanting “state planning” where their proposal anticipates the states playing a major role in the planning process.

Many Comments received on this Docket referenced problems with the NPSPAC Regional Plan process. As a member of both California Regions (5 and 6), I know how

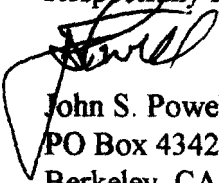
successful this process can be. Without regional planning there would have been little spectrum efficiency and, in all probability, a spirit of competitiveness instead of cooperation in the assignment of this critical spectrum. Furthermore, as a member of APCO's Board of Officers during the time that most of the initial NPSPAC Regional Plans were completed, I was aware that there were some problems in various regions. However, these problems were minuscule compared to overall benefits. Most were the result of long-standing rivalries between individuals and/or agencies; these same rivalries will exist with whatever process is developed for this new spectrum.

In 1993, APCO committed to completing all of the NPSPAC Regional Plans. As APCO President at that time, I felt that the Association's commitment to both the public safety community and the Commission mandated the completion of these plans as its highest priority. APCO expended a considerable amount of its resources, talent and time to accomplish this task. I assure the Commission that it again stands ready today, with the same commitment, to undertake whatever commitment the Commission might ask it to perform.

Finally, I believe the Commission realizes that the most effective form of planning will be through a strong, flexible national framework and regional planning using the same general geographic areas as NPSPAC, coupled with strong and representative regional planning committees in a manner similar to that found in Northern California.

I stand ready to assist the Commission in any way that I can, as an individual and as a member of several public safety organizations, to ensure the successful implementation of this new public safety band.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Powell", is written over the typed name.

John S. Powell
PO Box 4342
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July 29, 1998